

SUPPORT FOR THE AMENDMENTS

Claims 2 and 3 have been canceled.

Claims 1 and 4-15 have been amended.

Claims 16-23 have been added.

The amendment to Claims 1 and 4-15 and the introduction of Claims 16-23 are supported by, for example, original Claims 1-15, paragraph [0013], paragraphs [0017]-[0021], and the Examples.

No new matter has been added by the present amendment.

REMARKS

Claims 1 and 4-23 are pending in the present application.

The rejection of Claims 1-5 and 15 under 35 U.S.C. §112, first paragraph (written description), is believed to be obviated by amendment.

In the outstanding Office Action, the Examiner alleges that the claims lack sufficient written description. Specifically, the Examiner alleges that Claims 1-5 and 15 are “broad and generic, with respect to all possible promoters... the possible structure variations are numerous since any structure which is recognized by both SigA and SigE formed by modifying a promoter recognized by SigA is encompassed. Dependent claims 2-5 do not remedy the written description because they specify that a consensus sequence recognized by SigE is present at some location in a SigA recognized promoter, or that the SigA recognized promoter is one of SEQ ID NO: 1, or SEQ ID NO: 2, or nucleotides having 80 or 90% homology thereto.”

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same. Solely to expedite examination of this application, Applicants have amended the claims based on paragraph [0013], paragraphs [0017]-[0021], and the Examples to define the specific consensus sequence that is recognized by SigA and SigE that must be conserved within the claimed promoter sequence.

In view of these amendments, Applicants submit that the Examiner’s rejection is now moot.

Withdrawal of this ground of rejection is requested.

The objection to Claims 6-14 under 37 C.F.R. §1.75(c) as containing improper multiple dependencies is obviated by amendment. Applicants have amended the claims to remove multiple dependencies. Withdrawal of this ground of objection is requested.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in black ink, appearing to read 'V. Shier', with a long horizontal flourish extending to the right.

Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)